

104TH CONGRESS
1ST SESSION

H. R. 185

To amend the Communications Act of 1934 to establish procedures for the discontinuance of mobile radio services to persons engaged in drug trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. COLLINS of Illinois introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to establish procedures for the discontinuance of mobile radio services to persons engaged in drug trafficking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telecommunications
5 Drug Enforcement Act of 1995”.

1 **SEC. 2. DISCONTINUANCE OF MOBILE RADIO SERVICE.**

2 Part I of title III of the Communications Act of 1934
3 (47 U.S.C. 301 et seq.) is amended by adding at the end
4 the following new section:

5 **“SEC. 336. DISCONTINUANCE OF MOBILE RADIO SERVICE**
6 **PURSUANT TO COURT ORDER.**

7 “(a) APPLICATION.—An application for an order re-
8 quiring a public or private mobile radio services licensee
9 to discontinue service to a mobile radio unit may be made,
10 in writing under oath or equivalent affirmation, to a court
11 of competent jurisdiction by—

12 “(1) an attorney for the Government; or

13 “(2) unless prohibited by State law, a State in-
14 vestigative or law enforcement officer.

15 “(b) CONTENTS OF APPLICATION.—An application
16 under subsection (a) of this section shall include—

17 “(1) the identity of the attorney for the Govern-
18 ment or the State law enforcement or investigative
19 officer making the application and the identity of the
20 law enforcement agency investigating the user of the
21 mobile radio unit; and

22 “(2) a full and complete statement of the facts
23 and circumstances relied upon by the applicant to
24 justify his belief that an order should be issued, the
25 identity, if known, of the user of the mobile radio
26 unit, the telephone number assigned to the mobile

1 radio unit, and the electronic serial number, if
2 known, of the mobile radio unit.

3 “(c) ISSUANCE OF AN ORDER TO DISCONTINUE
4 SERVICE TO A MOBILE RADIO UNIT.—

5 “(1) IN GENERAL.—(A) Upon an application
6 made under this section, the court shall enter an ex
7 parte order requiring a public or private mobile
8 radio services licensee to discontinue service to a mo-
9 bile radio unit if the court determines, on the basis
10 of the facts submitted by the applicant, that there
11 is probable cause to believe that the mobile radio
12 unit is being used for the purpose of transmitting or
13 receiving information in connection with the manu-
14 facture, distribution, importation, exportation, or
15 sale of a controlled substance in violation of Federal,
16 State, or local law.

17 “(B) The court may require the applicant to
18 furnish additional testimony or documentary evi-
19 dence in support of the application.

20 “(2) CONTENTS OF THE ORDER.—An order
21 under this section shall specify—

22 “(A) the identity, if known, of the person
23 whose mobile radio service is to be discontinued;

24 “(B) the telephone number assigned to the
25 mobile radio unit;

1 “(C) the electronic serial number, if
2 known, of the mobile radio unit; and

3 “(D) the effective date of the discontinu-
4 ance of service, no earlier than 10 days after
5 the order is issued.

6 “(d) CUSTOMER NOTIFICATION.—Notice to the per-
7 son whose mobile radio service is being discontinued shall
8 be made by the law enforcement agency which made the
9 application under this section within three days of the
10 court’s issuing its order.

11 “(e) PRESERVATION OF REMEDIES.—Nothing in sub-
12 section (c) of this section shall be deemed to prejudice the
13 right of any person affected thereby to secure an appro-
14 priate determination, as otherwise provided by law, in a
15 Federal court or a State court, that mobile radio service
16 to such person should not be discontinued or refused or
17 should be restored.

18 “(f) LIMITATION ON LIABILITY.—No cause of action
19 shall lie in any court against any public or private mobile
20 radio services licensee, its officers, employees, agents, or
21 other specified persons for discontinuing or refusing mo-
22 bile radio services in accordance with a court order speci-
23 fied in subsection (c) of this section.

24 “(g) DEFENSE.—A good faith reliance by any public
25 or private mobile radio service licensee on a court order

1 specified in subsection (b) is a complete defense against
2 any civil or criminal action brought under any law.

3 “(h) OPERATION STANDARDS FOR LICENSEES.—The
4 Federal Communications Commission shall, within 180
5 days after the date of enactment of this section, prescribe
6 regulations—

7 “(1) establishing minimum operating standards
8 to ensure compliance with the requirements of this
9 section by public or private mobile radio service li-
10 censees;

11 “(2) establishing, consistent with the public in-
12 terest, standards regarding cooperation by such li-
13 censees with law enforcement authorities for the de-
14 tection of activities described in subsection (c)(1)(A);

15 “(3) including minimum recordkeeping require-
16 ments for the purposes described in paragraphs (1)
17 and (2); and

18 “(4) prescribing procedures for the Commission
19 to verify compliance with such regulations.”.

○